IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ADMIRALTY SUIT NO.8 OF 1989

Khairul Jabbar and Ors. ...Plaintiffs
V/s.
LCT Korea Horizon and Ors. ...Defendants

Mr.S.Mukharjee i/b.S.R. Pandey for Plaintiffs.
Mr.S.R. Rajguru for Defendants.

CORAM : A.S. AGUIAR, J.
DATED : OCTOBER 14, 2004

P.C. :-

1. Heard learned Advocate for the plaintiffs on the application under Rule 961 of the High Court, Original Side Rules, 1980 for payment out of the amount deposited and lying in Court to the credit of the suit together with interest thereon to the first plaintiff towards part satisfaction of the decree dated 28th June, 2004 that has been made in his favour. A Certificate has been issued by the Prothonotary and Senior Master under Rule 931 of the High Court Original Side Rules to the effect that no caveat has been filed in the office of the Admiralty Registrar, High Court, Bombay against the release of payment out of sale proceeds of the first Defendant vessel LCT Korea Horizon.

2. Learned Advocate Mr.Rajguru for Union of India (Customs) vehemently objects to granting of the application on the ground that the Customs are in the process of filing the appeal which will be done during the course of the day. Since no caveat has been filed by the Union of India or any one else, the application will have to be granted. Accordingly ordered.

3. At this stage, learned Advocate for plaintiffs states that he will not take any steps in pursuance of this order for a period of one week.

. Application disposed of.

(A.S. AGUIAR, J.)